

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CYNTHIA SEMBACH,

Plaintiff,

v.

LAKEVIEW LOAN SERVICING, LLC, M&T
BANK, and SAFEGUARD PROPERTIES
MANAGEMENT, LLC.,

Defendant.

Case No: 1:20-cv-00752

Honorable Andrea R. Wood

**MOTION FOR LEAVE TO VOLUNTARILY DISMISS THIRD-PARTY COMPLAINT
FOR CONTRIBUTION AND INDEMNIFICATION AGAINST 3C PRICE, INC.**

NOW COMES Defendant/Third-Party Plaintiff Safeguard Properties Management, LLC (“Safeguard”), through its attorneys, Tribler Orpett & Meyer, P.C., for its Motion to Voluntarily Dismiss its Third-Party Complaint against 3C Price, Inc. (“3C Price”), states as follows:

1. Plaintiff filed her Amended Complaint (“Complaint”) in six counts against this defendant. In the Complaint, Plaintiff alleged that she was damaged on or about August 27, 2017 when she discovered that certain preservation services were performed at 4019 206th Street, Matteson, Illinois 60443 (the “Property”).

2. More particularly, Plaintiff alleged that certain items of personal property were removed from the Property, and that the Property itself sustained damage as a result of the preservation services that were performed.

3. Addressing the counts filed against it, Safeguard filed a motion to dismiss Count II through Count VII of the Complaint. Safeguard’s motion to dismiss was granted in part and denied in part and Safeguard subsequently filed its answer to Count III through Count VII of the Complaint.

4. On September 3, 2021, the same day that Safeguard filed its answer to Count III through Count VII of the Complaint, Safeguard also filed a Third-Party Complaint for Contribution and Indemnification against 3C Price, Inc. (“3C Price”). (Dkt. #71)

5. Safeguard has reached an agreement with 3C Price, Inc., resolving the issues alleged in the Third-Party Complaint. As a result of the agreement, Safeguard seeks to voluntarily dismiss the Third-Party Complaint filed against 3C Price.

6. Counsel for Safeguard contacted all counsel of record in this matter, and they have communicated that there is no objection to this motion.

7. In addition, Safeguard moves that the default order entered by the court on December 7, 2021 (Dkt. #81) against 3C Price, Inc., with respect to the Third-Party Complaint, be hereby stricken and vacated.

Respectfully Submitted,

TRIBLER ORPETT & MEYER, P.C.

s/ Panos T. Topalis

One of the attorneys for Defendant, Safeguard
Properties Management, LLC

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SERVICE VIA E-MAIL WILL BE ACCEPTED AT DOCKET@TRIBLER.COM

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of Motion for Leave to Voluntarily Dismiss Third-Party Complaint for Contribution and Indemnification Against 3C Price, Inc., was served upon:

Attorney for Plaintiff

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service was accomplished pursuant to ECF as to Filing Users and complies with LR 5.5 as to any party who is not a Filing User or represented by a Filing User by mailing a copy to the above-named attorney or party of record at the address listed above, from 225 W. Washington Street, Suite 2550, Chicago, IL 60606, prior to 5:00 p.m. on the 24th day of January, 2022, with proper postage prepaid.

s/Panos T. Topalis

an Attorney